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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1165 OF 2006
IN
CRIMINAL APPEAL NO.1034 OF 2005

Mohd.Akram Munawar Shaikh ... Appellant

V/s.

The State of Maharashtra ... Respondent

Mr.M.S. Mohite for Appellant
Dr.F.R. Shaikh, APP, for Respondent

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **APRIL 20, 2007**

P.C.:

. Heard Mr.Mohite for the accused and the learned A.P.P. An issue is raised by the accused through jail that because set-off is not granted to him by the trial Court, his application for furlough leave is not being considered. The applicant - accused is in custody since 21.2.2002. The judgment of conviction came to be delivered on 30.9.2005 and since set-off is not given, the application for furlough and parole is not being considered by the jail authorities from 30.9.2005. Mr.Mohite relied on the judgment of the Supreme Court in the case of *Bhagirath v/s. Delhi Administration*, **(1985) 2 SCC 580** in support of his submission.

2. However, later on, he conceded that the authorities be directed to consider the application of

the applicant for furlough independent of the issue on its own merits in accordance with the provisions of law. Therefore, we direct the authorities to consider the application of the applicant for furlough within 3 weeks from today, without fail and communicate their decision to the applicant directly through jail. The application shall be decided on its own merits according to the provisions of law.

3. The issue, however, is kept open in this appeal.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)